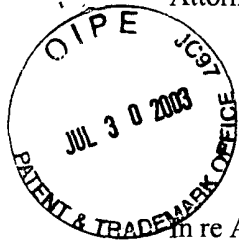


07-31-3

Attorney Docket No. 125813-1003

DIVISIONAL PATENT



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: O. Howard Frazier

U.S. App. Ser. No.: 10/618,897

Filing Date: July 14, 2003

Examiner: Unknown

Group No.: Unknown

Invention: METHOD FOR SURGICALLY
RESTORING CORONARY BLOOD VESSELS

CERTIFICATE OF MAILING

Express Mail No.: EV322135158US

Date of Deposit: 7/30/03

I certify that the accompanying paper is being deposited with the United States Postal Service and sent "Via Express Mail" service under 37 CFR 1.10 on the date indicated above and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

By: Deborah Foots

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

TRANSMITTAL LETTER

Sir:

I have enclosed the following documents for the above-identified patent application:

1. Request to Void Authorization to Charge the Issue Fee at the Mailing of the Notice of Allowance; and
2. Return postcard.

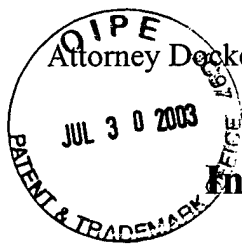
Please charge any underpayment to Deposit Account No. 070153 of Gardere Wynne Sewell LLP.

Respectfully submitted,

Date:

7-30-03

Tim Headley
Reg. No. 31,765
Gardere Wynne Sewell LLP
1000 Louisiana, Suite 3400
Houston, Texas 77002-5007
Direct: 713.276.5320
Direct Fax: 713.276.6320
Email: theadley@gardere.com



Attorney Docket No.: 125813-1003

DIVISIONAL PATENT

In The United States Patent And Trademark Office

In re Application of: O. Howard Frazier

Serial No.: 10/618,897

Filing Date: July 14, 2003

Examiner: Unknown

Group No.: Unknown

Confirmation No.: Unknown

For: **Method for Surgically Restoring Coronary Blood Vessels**

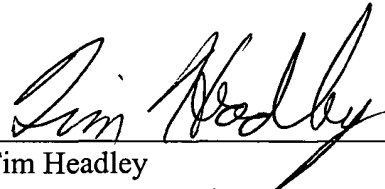
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

**REQUEST TO VOID AUTHORIZATION TO CHARGE THE ISSUE FEE
AT THE MAILING OF THE NOTICE OF ALLOWANCE**

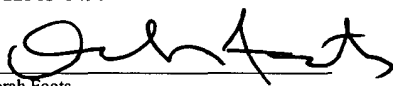
The above-referenced application was mailed to the U.S. Patent and Trademark Office on July 14, 2003. The Utility Patent Application Transmittal (Small Entity), "Fee Calculation and Transmittal" section, mistakenly shows authorization to charge the issue fee set in 37 C.F.R. 1.18, at the mailing of the Notice of Allowance pursuant to 37 C.F.R. 1.311(b). I have enclosed a copy of the Utility Patent Application Transmittal, indicating the mistake thereon. Applicant respectfully requests that the authorization to charge the issue fee at the mailing of the Notice of Allowance be voided.

Applicant believes that no fees are due at this time. However, Applicant hereby authorizes the Commissioner to charge any fees that may be required by this paper to Deposit Account 07-0153.

Dated: July 30, 2003



Tim Headley
Attorney for Applicant
Registration No.: 31,765
Gardere Wynne Sewell LLP
1000 Louisiana Street, Suite 3100
Houston, Texas 77002-5007
Phone: (713) 276-5320
Fax: (713) 276-6320
theadley@gardere.com

| |
|--|
| <p>CERTIFICATE OF MAILING Express Mail No.: EV322135158US Date of Deposit: <u>7/30/03</u></p> <p>I certify that the accompanying paper is being deposited with the United States Postal Service and sent "Via Express Mail" service under 37 CFR 1.10 on the date indicated above and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.</p> <p> By: Deborah Foots</p> |
|--|

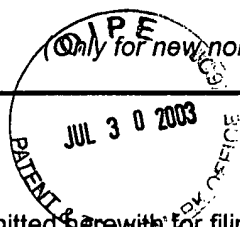
c: Todd Frazier

UTILITY PATENT APPLICATION TRANSMITTAL (Small Entity)

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Docket No.
125813-1003

Total Pages in this Submission
36



TO THE ASSISTANT COMMISSIONER FOR PATENTS

Box Patent Application
Washington, D.C. 20231

Transmitted herewith for filing under 35 U.S.C. 111(a) and 37 C.F.R. 1.53(b) is a new utility patent application for an invention entitled:

Method for Surgically Restoring Coronary Blood Vessels

and invented by:

O. Howard Frazier, M.D. and Stephen R. Igo

If a **CONTINUATION APPLICATION**, check appropriate box and supply the requisite information:

☐ Continuation ☒ Divisional ☐ Continuation-in-part (CIP) of prior application No.: 09/860,805

Which is a:

☐ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application No.: _____

Which is a:

☐ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application No.: _____

Enclosed are:

Application Elements

1. ☒ Filing fee as calculated and transmitted as described below
2. ☒ Specification having 18 pages and including the following:
 - a. ☒ Descriptive Title of the Invention
 - b. ☒ Cross References to Related Applications *(if applicable)*
 - c. ☐ Statement Regarding Federally-sponsored Research/Development *(if applicable)*
 - d. ☐ Reference to Sequence Listing, a Table, or a Computer Program Listing Appendix
 - e. ☒ Background of the Invention
 - f. ☒ Brief Summary of the Invention
 - g. ☒ Brief Description of the Drawings *(if filed)*
 - h. ☒ Detailed Description
 - i. ☒ Claim(s) as Classified Below
 - j. ☒ Abstract of the Disclosure

UTILITY PATENT APPLICATION TRANSMITTAL
(Small Entity)

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Docket No.
125813-1003

Total Pages in this Submission
36

Application Elements (Continued)

3. ☒ Drawing(s) *(when necessary as prescribed by 35 USC 113)*
- a. ☒ Formal Number of Sheets 6
- b. ☐ Informal Number of Sheets _____
4. ☒ Oath or Declaration
- a. ☐ Newly executed *(original or copy)* ☐ Unexecuted
- b. ☒ Copy from a prior application (37 CFR 1.63(d)) *(for continuation/divisional application only)*
- c. ☐ With Power of Attorney ☐ Without Power of Attorney
- d. ☐ DELETION OF INVENTOR(S)
Signed statement attached deleting inventor(s) named in the prior application,
see 37 C.F.R. 1.63(d)(2) and 1.33(b).
5. ☒ Incorporation By Reference *(usable if Box 4b is checked)*
The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under
Box 4b, is considered as being part of the disclosure of the accompanying application and is hereby
incorporated by reference therein.
6. ☐ CD ROM or CD-R in duplicate, large table or Computer Program (Appendix)
7. ☒ Application Data Sheet (See 37 CFR 1.76)
8. ☐ Nucleotide and/or Amino Acid Sequence Submission *(if applicable, all must be included)*
- a. ☐ Computer Readable Form (CFR)
- b. ☐ Specification Sequence Listing on:
- i. ☐ CD-ROM or CD-R (2 copies); or
- ii. ☐ Paper
- c. ☐ Statement(s) Verifying Identical Paper and Computer Readable Copy

Accompanying Application Parts

9. ☐ Assignment Papers (cover sheet & document(s))
10. ☐ 37 CFR 3.73(B) Statement (when there is an assignee)
11. ☐ English Translation Document (if applicable)
12. ☐ Information Disclosure Statement/PTO-1449 ☐ Copies of IDS Citations
13. ☐ Preliminary Amendment
14. ☒ Return Receipt Postcard (MPEP 503) (Should be specifically itemized)
15. ☐ Certified Copy of Priority Document(s) (if foreign priority is claimed)
16. ☒ Certificate of Mailing
- ☐ First Class ☒ Express Mail (Specify Label No.): EV 322136480 US

**UTILITY PATENT APPLICATION TRANSMITTAL
(Small Entity)**

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Docket No.
125813-1003

Total Pages in this Submission
36

Acc mpanying Applicati n Parts (Continued)

17. ☒ Applicant claims small entity status. See 37 CFR 1.27.

☐ (Optional) Small Entity Statement(s) - Specify Number of Statements Submitted: _____

18. ☐ Additional Enclosures (*please identify below*):

Request That Application Not Be Published Pursuant To 35 U.S.C. 122(b)(2)

19. ☐ Pursuant to 35 U.S.C. 122(b)(2), Applicant hereby requests that this patent application not be published pursuant to 35 U.S.C. 122(b)(1). Applicant hereby certifies that the invention disclosed in this application has not and will not be the subject of an application filed in another country, or under a multilateral international agreement, that requires publication of applications 18 months after filing of the application.

Warning

An applicant who makes a request not to publish, but who subsequently files in a foreign country or under a multilateral international agreement specified in 35 U.S.C. 122(b)(2)(B)(i), must notify the Director of such filing not later than 45 days after the date of the filing of such foreign or international application. A failure of the applicant to provide such notice within the prescribed period shall result in the application being regarded as abandoned, unless it is shown to the satisfaction of the Director that the delay in submitting the n tice was unintentional.

**UTILITY PATENT APPLICATION TRANSMITTAL
(Small Entity)**

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Docket No.
125813-1003

Total Pages in this Submission
36



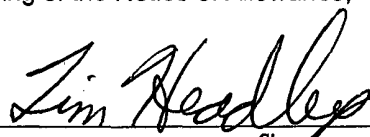
Fee Calculation and Transmittal

CLAIMS AS FILED

| For | #Filed | #Allowed | #Extra | Rate | Fee |
|---|--------|----------|--------|-----------|----------|
| Total Claims | 6 | - 20 = | 0 | x \$9.00 | \$0.00 |
| Ind p. Claims | 4 | - 3 = | 1 | x \$42.00 | \$42.00 |
| Multiple Dependent Claims (check if applicable) <input checked="" type="checkbox"/> | | | | | \$140.00 |
| BASIC FEE | | | | | \$375.00 |
| OTHER FEE (specify purpose) | | | | | \$0.00 |
| TOTAL FILING FEE | | | | | \$557.00 |

- ☒ A check in the amount of \$557.00 to cover the filing fee is enclosed.
- ☒ The Commissioner is hereby authorized to charge and credit Deposit Account No. 07-0153 as described below. A duplicate copy of this sheet is enclosed.
- ☐ Charge the amount of as filing fee.
- ☒ Credit any overpayment.
- ☒ Charge any additional filing fees required under 37 C.F.R. 1.16 and 1.17.
- VOID** ☒ Charge the issue fee set in 37 C.F.R. 1.18 at the mailing of the Notice of Allowance, pursuant to 37 C.F.R. 1.311(b).

Dated: July 14, 2003


Signature

Tim Headley
Reg. No. 31,765
Gardere Wynne Sewell LLP
1000 Louisiana, Suite 3400
Houston, Texas 77002-5007
Tel: 713 276 5320
Fax: 713 276 6320
E-mail: theadley@gardere.com

CC: